

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-14, 16-21 and 23-34 remain pending in this application.

Claim Rejections under 35 U.S.C. § 101

Claims 1-14, 16-21 and 23-34 were rejected under 35 U.S.C. § 101 for being “directed to non-statutory subject matter.” Specifically, the Office Action asserts that the “driver intention” is non-statutory because it is not concrete and tangible. Applicant respectfully disagrees with the reasoning of the Office Action and respectfully traverses the rejection for the reasons set forth below.

35 U.S.C. § 101 sets forth four classes of statutory subject matter. According to the statute, a person may patent a process, machine, article of manufacture or composition of matter.

Independent claims 1, 20, 23 and 24 are directed to an information providing apparatus for a vehicle comprising a driver intention detector. Independent claim 18 is directed to an information providing apparatus for a vehicle comprising a driver intention detecting means. Claim 19 is directed to an information providing method for a vehicle comprising the step of detecting a driving intention. Claims 26 and 32 are directed to a controller for a host vehicle comprising a processor. The processor in claim 26 is configured to delay feedback when an intention of the driver is detected. The processor in claim 32 is configured to provide feedback based on an intention of a driver.

Accordingly, the claims do not merely recite a “driver intention.” Instead, the claims recite a machine/apparatus with a driver intention detector (claims 1, 20, 23, 24) a driver intention detecting means (claim 18), a controller that is configured to delay timing of feedback to a driver when a driver intention is detected (claim 26), a controller that calculates

a counterforce of a virtual member on the basis of several factors, including a driver intention (claim 32) and a process with a method step of detecting a driving intention (claim 19). Further, claim 1 also recites a contact possibility information unit to determine a contact possibility of the vehicle contacting an object and to change the braking and driving force of the vehicle according to the contact possibility. Accordingly, the claims are not merely directed to a "driver intention" but instead recite tangible, concrete structures, such as detectors or controllers, or method steps. Detectors, controllers and method steps fall within the classes of statutory subject matter under 35 U.S.C. § 101.

Here, the Office Action incorrectly isolates the phrase "driver intention" to assert that the claims are not directed to statutory subject matter. This reasoning is incorrect. For example, in claims 1, 20, 23 and 24 "driver intention" is being used as an adjective to describe the type of detector being claimed. A detector is a concrete and tangible device and is patentable subject matter under 35 U.S.C. § 101. Thus, the rejection of independent claims 1, 18-20, 23, 24, 26 and 32 should be withdrawn. Further, claims 2-14, 16, 17, 21, 25, 27-31, 33 and 34 depend from one of claims 1, 18-20, 23, 24, 26 or 32 and should also be allowed for the reasons set forth above.

Accordingly, presently pending claims 1-14, 16-21 and 23-34 are directed to statutory subject matter, as they explicitly recite a tangible device capable of performing physical steps that lead to a concrete, tangible and useful result or process.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated,

otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 5/14/07

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